



# **U.S. Department of Transportation Federal Transit Administration**

## **Categorical Exclusions:**

## **How to Differentiate and Document CatX**





# Definition: Categorical Exclusion

## 40 CFR 1508.4

Categorical exclusion means a category of actions which **do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of these regulations** (Sec. 1507.3) and for which, therefore, neither an environmental assessment nor an environmental impact statement is required.

**An agency may decide in its procedures or otherwise, to prepare environmental assessments for the reasons stated in Sec. 1508.9 even though it is not required to do so.**

Any procedures under this section shall provide for **extraordinary circumstances** in which a normally excluded action may have a significant environmental effect.





# Overview

- National Environmental Policy Act (NEPA)  
History & Purpose
- Context within Classes of Action
- Definition 40 CFR 1508.4 CEQ Regulations
- Listed Categorical Exclusions
- Documented Categorical Exclusions
- Risk Assessment as Basis for Election of  
Categorical Exclusion
- Scenarios Exercise





# National Environmental Policy Act (NEPA) History & Purpose

- History:
  - Identification of Potential for Loss of Un-renewable or Irrecoverable Natural Resources
  - Establishment of Council on Environmental Quality
- Purposes:
  - Protect the natural and social environment
  - Lead reasonable layperson through the rationale for selection of environmentally-sensitive solutions; involve the public in environmental evaluation process leading to project identification
  - Protect sponsoring federal agencies against litigation





# Context:

## Three Classes of Action

- Class I Action: Environmental Impact Statement (EIS)
  - When severe and/or complex environmental impacts are expected and/or popular opposition is identified
- Class II Action: Categorical Exclusion
  - When sponsoring agency suggests or concurs that the proposed action is unlikely to adversely impact the physical or social environment
- Class III Action: Environmental Assessment (EA)
  - When impacts are unknown or unquantified; and/or social impacts are not apparent
  - May lead to further examination as Class I action (EIS)





# Listed Categorical Exclusions

## 23 CFR 771.117 (c)

- Planning activities which do not lead to construction
- Utilities installations along or across transportation facilities
- Bicycle/pedestrian lanes, paths and/or facilities
- State Highway Safety Plan activities
- 23 USC 317 transfer of federal lands
- Noise attenuation activities
- Landscaping projects
- Amenities: signage, fencing, pavement markings, small passenger shelters, traffic signalization, railroad warning devices where no substantial land acquisition or traffic disruption is anticipated
- 23 USC 125 exigent/emergency repairs
- Acquisition of scenic easements





# Listed Categorical Exclusions

## 23 CFR 771.117 (c) cont'd

- 23 CFR 480 Determination of payback for property acquired by Federal Aid participation
- Improvement to truck weigh stations and rest stops
- Ridesharing activities
- Bus and railcar rehabilitation
- Americans with Disabilities (ADA) amenities
- Program administration, technical and operating assistance
- Purchase of vehicles where the proposed vehicles can be accommodated by either existing facilities or facilities that can themselves be rehabilitated or renovated under cat-x
- Trackage & railbed maintenance within secured ROW
- Purchase/installation of maintenance equipment where no off-site adverse impacts are implied
- Promulgation of rules, regulations and directives





# Documented Categorical Exclusions

## 23 CFR 771.117 (d)

- Bridge rehabilitation or reconstruction or replacement or the construction of grade separation devices to replace existing at-grade rail crossings
- Transportation fringe corridor parking facilities
- Approvals for disposal of joint or limited use ROW
- Approvals for changes in access control features
- **Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is consistent with existing zoning and adequate access**
- **Rehabilitation or reconstruction of existing bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users**







# Documented Categorical Exclusions

## 23 CFR 771.117 (d) cont'd

- Construction of **open area** bus transfer facilities with coincidental street improvement in an area where there is adequate street capacity for increased bus traffic
- Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is not significant noise impact on surrounding communities
- Protective real property acquisition under **hardship circumstances**





# Documented Categorical Exclusions

## Topics of Concern

- Detailed Project Description
- Location: Site and Vicinity Maps (with scales and North arrows)
- Air Quality Conformity Status (Hot spot analysis in non-attainment areas)
- Zoning
- Traffic Impacts
- Historic, Cultural, Archaeological & Tribal Resources
- Noise and Vibration
- Acquisition & Relocation Considerations (Uniform Act)





# Documented Categorical Exclusions

## Topics of Concern

- Hazardous Materials/Hazardous Wastes
- Community Disruption & Environmental Justices Issues
- Use of Public Parklands & Recreation Areas
- Wetlands
- Floodplains
- Water Quality, Navigable Waterways and Coastal Zone Management
- Ecological Issues: Listed Endangered & Threatened Biological and Botanical Species
- Safety & Security
- (Temporary) Construction Impacts





# Risk Assessment as Basis for Election of Categorical Exclusion

- Consider 3 principal purposes of NEPA
  - Protect physical and social environment
  - Involve/Persuade public
  - Insulate federal agency sponsor(s) from litigation
- Class III Environmental Assessment may be useful *notwithstanding listing or availability of documented categorical* when:
  - community dissent, interest or need for social input suggests heightened public engagement
  - Mechanism/format for documenting extensive interagency coordination appears prudent



# Wrapping-Up Discussions

- Scenario Exercises
- Questions
- Critiques

